

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STEVE SHERRELL,

Plaintiff,

v.

TONY HOWERTON,

Defendant.

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CIVIL ACTION NO.
1:05-CV-2285-RWS

ORDER

This case is before the Court for consideration of the Final Report and Recommendation [3] of Magistrate Judge E. Clayton Scofield, III. After reviewing the Report and Recommendations and the Objections [4] filed thereto, the Report and Recommendation is accepted with approval and adopted as the Opinion and Order of this Court. Accordingly, the Petition [1] is hereby **DISMISSED** pursuant to Rule 4 of the rules governing Section 2254 cases for the United States District Courts.

SO ORDERED, this 19th day of October, 2005.

/s/ Richard W. Story

RICHARD W. STORY
UNITED STATES DISTRICT JUDGE